

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

RICK SMIRL  
(BOP Register No. 28854-077),

Petitioner,

V.

DJ HARMON, Warden,

Respondent.

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No. 3:17-cv-2281-L-BN

**ORDER WITHDRAWING FINDINGS, CONCLUSIONS, AND  
RECOMMENDATION AND TERMINATING MOTION**

This habeas action under 28 U.S.C. § 2241 by a federal inmate has been referred to the undersigned United States magistrate judge for pretrial management under 28 U.S.C. § 636(b) and a standing order of reference from United States District Judge Sam A. Lindsay. On August 29, 2017, the undersigned recommended that Petitioner Rick Smirl's motion for leave to proceed *in forma pauperis* ("IFP") [Dkt. No. 4] be denied and that he be ordered to pay the \$5.00 statutory filing fee within 21 days after any order adopting that recommendation. *See* Dkt. No. 5. Because the filing fee has now been paid, the August 29, 2017 Findings, Conclusions, and Recommendation of the Magistrate Judge [Dkt. No. 5] is WITHDRAWN. And the Clerk shall TERMINATE the IFP motion [Dkt. No. 4] as unnecessary.

SO ORDERED.

DATED: October 6, 2017

  
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DAVID L. HORAN  
UNITED STATES MAGISTRATE JUDGE